

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

RANDOLPH DALEY,)	CASE NO. 1:17CV554
)	
Plaintiff,)	JUDGE DAN AARON POLSTER
)	
vs.)	<u>OPINION AND ORDER</u>
)	
CITY OF CLEVELAND, et al.,)	
)	
Defendants.)	

Plaintiff Randolph Daley filed this action on March 16, 2017. Doc #: 1. On May 18, 2017, the parties filed a Joint Motion to Stay Proceedings pending the Sixth Circuit’s decision in a factually-analogous case, *Richard Martinez v. City of Cleveland, et al.*, Case No. 1:15-cv-1686. The Sixth Circuit issued its opinion on January 11, 2018, affirming the district court’s dismissal of Martinez’s procedural due process claim but vacating its dismissal of his petition for writ of mandamus under Ohio law. *Richard Martinez v. City of Cleveland, et al.*, Case Nos. 16-4200/17-3187. The Sixth Circuit remanded the case so that the district court could determine whether to exercise jurisdiction over the state mandamus claim. *Id.* at 4. The district court declined to exercise its supplemental jurisdiction and dismissed the case. *Martinez*, Case No. 1:15-cv-1686, Doc #: 39. On March 21, 2018, Plaintiff Daley filed a Motion to Lift Stay,

Doc #: 13, asking the Court to exercise its discretionary jurisdiction over Daley's state law claims. The Court declines to so.

District courts have discretion under 28 U.S.C. § 1367(c)(3) to decline to exercise supplemental jurisdiction over state law claims when no federal claim remains. The Sixth Circuit's decision in *Martinez* applies to Daley's procedural due process claim—his only federal claim in this case. The Court declines to exercise its supplemental jurisdiction over Daley's state law claims because state courts are best suited to adjudicate them. Thus, the Court **DENIES** Daley's Motion to Lift Stay and **DISMISSES** Daley's remaining state law claims.

IT IS SO ORDERED.

/s/ *Dan A. Polster* March 22, 2018

DAN AARON POLSTER
UNITED STATES DISTRICT JUDGE